

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE

National Technical University of Ukraine

“Igor Sikorsky Kyiv Polytechnic Institute”

S.V. Saloid, K.Yu. Redko,

INTERNATIONAL ECONOMIC LAW: PRACTICE

*Recommended by the Methodical Council of Igor Sikorsky Kyiv Polytechnic
Institute as a textbook for foreign students studying in the specialty 051
«Economy»*

Kyiv

2020

- Reviewer** Fartushnyy Ivan, candidate of physical and mathematical sciences. Assistant Professor. National Technical University of Ukraine “Igor Sikorsky Kyiv Polytechnic Institute”
- Responsible editor** Dergachova Viktoriia, Head of Management Department Professor, Doctor of Sciences (Economics), Professor. National Technical University of Ukraine “Igor Sikorsky Kyiv Polytechnic Institute”

The Grief is provided by the Methodical Council of Igor Sikorsky Kyiv Polytechnic Institute (protocol number 9 from 30. 04. 2020 year) on submission of the Academic Council of the Faculty of Management and Marketing (protocol № 8 from 27.04. 2020).

Electronic network educational edition

Saloid Stanislav Vasylovuch, PhD, associate professor

Redko Kateryna Yuriivna, PhD, senior lecturer

International economic law: practice

International economic law: practice [Electronic Resource]: Teaching manual for the students Specialty 051 "Economics" / S.V. Saloid, K. Yu. Redko; Igor Sikorsky Kyiv Polytechnic Institute - Electronic text data (1 file: 76 KB). – Kyiv: Igor Sikorsky Kyiv Polytechnic Institute, 2020. - 44 p.

Interdisciplinary Relations: The discipline "International Economic Law" is based on the discipline "International Economic Activity of Ukraine"

International Economic Law, in turn, is the basis for teaching such courses as International Consulting and International Insurance.

© S.V. Saloid, K. Yu. Redko, 2020

© Igor Sikorsky Kyiv Polytechnic Institute, 2020

CONTENTS

Topic 1. The concept and sources of international trade law	5
Topic 2. Sources of International Economic Law.....	6
Topic 3. Principles of International Economic Law	8
Topic 4. Subjects of International Economic Law.....	9
Topic 5. The Law of International Economic Integration	12
Topic 6. Dispute settlement in the IEL	14
Topic 7. International Trade Law.....	17
Topic 8. International Investment Law	20
Topic 9. International Economic Assistance Law	22
Control questions to determine students' level of learning	23
An example of questions in the scorecard	26
Case method	34
REFERENCES.....	43

Topic 1. The concept and sources of international trade law

Questions raised on self-study:

1. Globalization of the world economy and the problem of sovereignty of states.
2. The ratio of international economic and international private law.
3. The phenomenon of "supranational" regulation in the IEL.
4. The theory of state interest in the IEL.
5. Conceptual approaches to the IEL subject.
6. Characteristic features of modern international economic law.

Questions for self-control:

1. What are the main modern legal forms of international trade and economic regulation?
2. What is globalism and neoglobalism?
3. What are the characteristics of Neoglobalism?
4. What are the features of international law, its subject matter and concepts?
5. What are the theories of transnational law, world law, lex mercatoria and their critique?
6. What is the difference between international economic law and international private law?
7. What are the main elements of the system of international economic law?

Topics of the essay:

1. The main organizational and legal forms of international trade and economic regulation of international relations.
2. The phenomenon of "supranational" regulation in the IEL.
3. Public-legal and private-law elements in the regulation of the IEL.

Task 1

On March 12, 1996, the Helms-Burton Law came into force in the United States. Pursuant to sections III and IV of this Law, if it is determined that third-country nationals are involved in commercial transactions in the US using previously nationalized property of Americans, they may be sued in the United States or restricted their right to enter that country. Does this law violate any rules of international law?

Task 2

One of the Russian scientists, Yu.I. Fedorov suggested that by international law regulate domestic relations, especially relations between the federation and the subjects of the federation. How do you feel about such a proposal? Is it possible to apply the rules of international law to domestic relations? What do you think is why lawyers in court prefer domestic law rather than international law? What are the inconveniences of applying international law in the domestic law enforcement process?

Topic 2. Sources of International Economic Law

Questions raised on self-study:

1. Universal and special sources of IEL.
2. The 1974 Charter of Economic Rights and Obligations of States as a Source of IEL.
3. Codification and unification in the IEL.
4. The peculiarity of international custom as a source of IEL.
5. Sources of transnational law.
6. The role of Ukraine in the development of the IEL.

Questions for self-control:

1. What is the peculiarity of sources of international economic law?

2. What is "mixed" sources?
3. What is the meaning of soft law?
4. What is the role of soft law in the IEL?
5. What are the main types of multilateral international treaties characteristic of the IEL?
6. What is the role of international conferences in the IEL?

Topics of the essay:

1. Codification and unification (systematization) in the IEL.
2. International customs in the IEL source system.
3. Soft law rules in the MEP system.
4. System of international treaties in the sphere of regulation of international public economic relations.

Task 1

On December 12, 1974, the United Nations General Assembly unanimously adopted at its 21st session a resolution approving the Charter of Economic Rights and Duties of States. The provisions of this document establish the foundations of international economic relations, and their normative basis is the legal principles of imperative nature, enshrined in a number of multilateral international legal acts of universal character.

1. From which international legal acts and what legal principles have been incorporated into the Charter of Economic Rights and Obligations of States?
2. What specific economic rights and obligations of participants in international communication are included in Chapter II of the Charter of Economic Rights and Obligations of States?
3. What, according to the Charter, is the overall responsibility of States to the international community and what are the priorities set out in this document?

Task 2

A new area of international law is the right of development. In accordance with the basic principle of this field, developing countries have the right to participate in decision-making in international economic organizations, the right to obtain external credit, the right to enjoy unilateral advantages in international trade, etc. How do you feel about this concept? In what areas of international law is the separation of developing and developed countries taken into account?

Task 3

The highest executive body of the European Union is the Council of the European Union. Acts of the Council shall be adopted either by unanimous vote or by a qualified majority in accordance with the quotas: the United Kingdom and the Federal Republic of Germany - 10 votes each, Spain - 8, Belgium - 5, Denmark - 3, etc. thus, the EU Member States have an unequal number of votes when deciding on the Council. Does such a distribution of votes in the Member States of the European Union violate the principles of sovereign equality of states?

Topic 3. Principles of International Economic Law

Questions raised on self-study:

1. Action of the general principles of international law in the sphere of the IEL.
2. The most favored nation clause.
3. Application of the most favored-nation regime in bilateral treaties.
4. Application of the principle of mutual benefit.

Questions for self-control:

1. What is the importance of the generally recognized principles of international law in the sphere of the IEL?
2. What do the special principles of the IEL and their features mean?

3. What is the principle of non-discrimination?
4. What are the exceptions to the principle of the most favored nation?
5. What is the difference between the principle of national treatment and the principle of the most favored nation?
6. What does the principle of mutual benefit mean?
7. What does the principle of preference mean?
8. Give examples of preferential systems.

Topics of the essay:

1. History of the legal consolidation of the special principles of the IEL.
2. Application of the regime of greatest assistance in bilateral treaties of Ukraine.
3. Formation and development of the principle of mutual benefit in the IEL.

Topic 4. Subjects of International Economic Law

Questions raised on self-study:

1. States as subjects of international private-law relations.
2. Legal personality of international economic organizations.
3. Ukraine as a subject of the IEL.
4. The European Union as a subject of the IEL.
5. The problem of the status of individuals and legal entities in the legal regulation of the IEL.
6. International non-governmental organizations of economic nature. 7. Sales offices, their functions.
8. State bodies of foreign economic relations.
9. Absolute and functional immunity of States in the IEL.

Questions for self-control:

1. Who are the subjects of the IEL?

2. What is the essence of state immunity?
3. What are the main types of immunities?
4. What are the different legal statuses of different categories of states?
5. What is the international legal meaning and concept of integration-oriented institutions?
6. Can non-governmental international organizations, TNCs and individuals and entities be considered as IEL entities?

Topics of the essay:

1. Subjects of the IEL. Public-law and private-law elements in the regulation of the IEL.
2. Sovereignty, jurisdiction, immunities of states in the IEL. Functional immunity theory.
3. Economic rights and obligations of states. Differentiation of States.
4. International organizations in the IEL, their legal personality.
5. Problems of international legal regulation of TNCs activity.
6. Legal status of individuals in the IEL.

Task 1

Being the main subject of international law, the state is central to the system of international economic relations. The assurance of state sovereignty is only possible when it actively uses a complex set of multifaceted economic ties based on the requirements of international economic law. The complexity and multiplication of international economic ties create the problem of strengthening and streamlining their management by all subjects of international relations. This process is carried out with the help of international intergovernmental organizations. Along with states and international organizations, transnational corporations that influence both the national and the global economy are increasingly involved in international relations.

1. How does the legal status of a state compare with its participation in economic relations, one of the parties in which natural and legal persons of another state act?

2. What are the main legal characteristics of international intergovernmental organizations serving as participants in international economic relations? 3. What are the legal peculiarities of TNCs as participants in international economic relations compared to other categories of subjects of international economic law?

Task 2

In 1951, the Iranian Majlis (Parliament) passed two laws on the nationalization of the oil industry in Iran. Immediately after nationalization on May 8, 1951, the Anglo-Iranian Oil Company began demanding that the Iranian prime minister address this issue in accordance with Art. 22 of the concession agreement of 1933 was settled by arbitration. In his reply to this letter, the Iranian finance minister stressed that: 1) the right to nationalize derives from the sovereignty of each state; this right has been used by many states, including the UK government; 2) a private agreement (concession) cannot prevent the exercise of this right based on the rules of international law; 3) the nationalization of the oil industry in Iran is the result of the sovereign right of the Iranian people; this matter may not be the subject of arbitration in any arbitration body. Evaluate Iran's arguments in terms of their compliance with international law.

Task 3

One of the textbooks of international law has the following statement: "Natural and legal persons and other entities of domestic law are not and cannot be subjects of international economic law, because they are subject to the jurisdiction of a state." What is your attitude to such a statement?

Task 4

Citizenship is: a) the political and legal connection of a person with the state, which is expressed in the presence of mutual rights and obligations; b) legal relations, the subjects of which are persons and the state, the content of which are fundamental rights and obligations in the public sphere; c) the legal property of an

individual, which is expressed in its belonging to a certain state; d) the contract of a special kind between the person and the state; e) legal connection between an individual and the state without indicating the ethnic origin of that person; e) legal connection, which is the basis of social attachment, connection of existence of interests and feelings along with the existence of mutual rights and obligations. Which of the definitions is most accurate? Evaluate each definition. 2. Is there a need to determine the nationality of a legal entity? How could this citizenship be defined?

Topic 5. The Law of International Economic Integration

Questions raised on self-study:

1. The role of TNCs in integration processes.
2. State-legal forms of integration.
3. Subordination method of international legal regulation of integration processes.
4. The ratio of the "integration" regime and the principle of the highest favors.
5. International legal regulation of the IER between the three "centers of economic power" (the main competitors in the international commodity markets) - EU, Japan, USA.
6. Recognition of Ukraine as a market economy country, its importance.
7. Western European integration associations.
8. Latin American version of regional integration.
9. Legal Forms of CIS Integration Relations.

Questions for self-control:

1. What is integration?
2. What processes are taking place in the domestic law of states that participate in economic integration?
3. What is global integration?
4. How is integration at the regional level manifested?

5. What integration regional associations do you know?
6. What are the legal forms of integration associations?
7. How is a free trade area different from a customs union?
8. How are integration associations legalized?
9. What is the difference between the subordination method of regulating economic integration and the coordination method?
10. When did the European Economic Area emerge?
11. What are the supranational features of the EU?
12. How is the “integration” mode and the most favored-nation mode compared?
13. Why can the exclusion from the most favored-nation integration regime be considered as a fundamental principle of economic integration law?

Topics of the essay:

1. Basic international economic integration associations: the legal basis of foundation and activity.
2. The European Economic Area. The EU system.
3. Latin American economic integration.
4. Asian economic integration.
5. African Economic Integration.

Task 1

There are two main approaches to economic integration. Representatives of the liberal approach believe that economic integration can be achieved through free international trade, while states fully retain their economic sovereignty, since free trade by itself integrates the sphere of cooperation, and therefore does not require special supranational institutions to take care of. Institutionalists represent the opposite view; they proceed from the assertion that the liberalization of international economic relations and the free operation of market laws alone are not sufficient for genuine integration. It is necessary to harmonize the economic policies of individual

states, which dictates the establishment of specialized international institutions with supranational powers. What positions do you prefer and why?

Topic 6. Dispute settlement in the IEL. International legal responsibility in the IEL

Questions raised on self-study:

1. WTO Dispute Settlement Mechanism.
2. United Nations International Tribunal for the Law of the Sea.
3. Dispute settlement in international economic law.
4. Political and legal mechanisms for the prevention and settlement of conflicts within the OSCE.
5. Dispute settlement mechanisms between CIS member states.
6. The place of the CIS Economic Court in the dispute settlement mechanism.
7. Individual and collective countermeasures in the IER.
8. Responsibility of the federal state for the actions of the subject of the federation.
9. International liability in cases where there is no violation of the rights of the State but its interests are affected.
10. International economic order.
11. International Economic Security.
12. Disadvantages of the legal regulation of the IER in terms of the use of economic power and international responsibility for it.

Questions for self-control:

1. What can be the subject of dispute in the IEL?
2. In which disputes do they use domestic law and in which - international law?
3. What should be the further legitimate actions of the states if the dispute could not be resolved by the means initially selected?

4. What are the disputes of the UN Charter into a separate category of international disputes?

5. Why is there a tendency for the internationalization of disputes between private individuals of different countries and "diagonal" disputes to be internationalized?

6. What rules have IELs been formulated by international courts?

7. What international institutions resolve international economic disputes?

8. What was the role of the UNSC in the systematization and unification of the Institute of International Legal Responsibility?

9. What types of offenses exist in the IEL?

10. What can be the object of an offense in the IEL?

11. What is absolute / fair liability?

12. In what forms do countermeasures be exercised?

Topics of the essay:

1. Activities of the CIS Economic Court.

2. GATT / WTO dispute settlement.

3. Settlement of international investment disputes.

4. Settlement of economic disputes by the Court of Justice.

5. Settlement of economic disputes by the International Maritime Law Tribunal.

6. The responsibility of states in the IEL: the use of economic force.

Task 1

What do you think are the advantages and disadvantages of different ways of resolving international disputes: negotiation, mediation, good services, reconciliation, arbitration, international litigation? Which of the following is most appropriate to resolve the following disputes: the establishment of borders between the two countries; trade between the two countries; investment protection; state security (one state accuses another state of organizing mercenaries)?

Task 2

If State A does not comply with the decision of the international arbitral tribunal, can it be compelled to enforce it? Is the decision of the arbitral tribunal binding? What is the validity of such a decision?

Task 3

In 1994, the Prosecutor General's Office opened a criminal case over the failure of the implementation of an intergovernmental agreement between Ukraine and Uzbekistan on the supply of cotton in exchange for Ukrainian sugar. According to the press center of the Prosecutor General's Office, the main culprit for failure to comply with the agreement is the National Bank of Ukraine (NBU). He failed to comply with the Cabinet of Ministers' decree on payment for the supplied raw materials. This document obliged the NBU to assist the State Committee on Light and Textile Industry in obtaining loans for the payment of sugar. The assistance was not provided, and as a result of the downtime, the state suffered losses of \$ 3 trillion. ruble. In an interview with the Kyivskiye Novosti newspaper, NBU First Deputy Chairman of the Board Volodymyr Stelmakh dismissed the charges against the bank. He stated that at the end of 1993, the NBU did not open any new credit lines at all, except for those that provided financing for conversion programs. It was also noted that according to the Ukrainian legislation, the State Committee of Laws did not have the right to take a loan from the NBU. The necessary funds, according to the banker, the Government of Ukraine should have transferred to the Committee for the intended purpose. Does an intergovernmental agreement similar to the one described in this task apply to the fundamental legal principles of international treaty law? What specific provisions of applicable international legal instruments can be used in developing a position to assess the situation described in the task? Which of the mentioned subjects of international and domestic law are responsible for fulfilling the obligations established by the agreement of Ukraine and Uzbekistan? Are the legal facts on the basis of which the Ukrainian prosecutor's office instituted criminal proceedings have international legal significance? Can the case of non-

fulfillment by the Ukrainian side of the agreement with Uzbekistan be brought to the international court?

Task 4

The space satellite came down from orbit, fell into the territory of state A and caused significant damage. The injured party has claimed damages. The satellite launching state claims that it did not commit any unlawful act, the object was dropped for objective reasons, and therefore its fault was not caused. Is there an offense in the actions of the satellite launching state? What are the features of the emergence and realization of liability for causing harm without fault?

Task 5

In April 1795, the American ship "Neptune" was captured on the high seas by a British cruiser on the pretext that its cargo, consisting of foodstuffs, must be sent to Britain, as the population of England was threatened by famine. Can the UK invoke a state of urgency to avoid international legal liability?

Topic 7. International Trade Law

Questions raised on self-study:

1. International law in the field of international trade.
2. International legal regulation of transnational commodity markets.
3. WTO system.
4. International legal regulation of services in the IER.
5. Agreement on Trade-Related Aspects of Intellectual Property Rights.
6. The mode of greatest assistance in interstate relations.
7. Ukraine and the international trading system.
8. IV Lomé Convention as a legal instrument for establishing a new international economic order.

9. The anti-dumping process and the application of the anti-dumping duty in the EU.

10. State regulation of foreign trade activity in Ukraine.

11. Kyoto Convention as an international legal instrument in customs.

12. Non-tariff restrictions in international trade.

Questions for self-control:

1. What is the meaning of the term "international trade law"?

2. What concepts of the legal nature of the ICC do you know?

3. What stages of international trade law development do you know of?

4. What kinds of international trade agreements do you know of?

5. How are countries classified in international trade?

6. Describe the basic principles of the WTO.

7. What are the main elements of the principle of national treatment?

8. What are the exceptions to the national regime principle?

9. Explain the rules of the national regime outside of Article III GATT.

10. Define the concepts and functions of the tariff.

11. Explain the concept of tariff rate.

12. What is the legal basis for the regulation and regulation of GATT on tariffs?

Topics of the essay:

1. The system of international treaties.

2. Special principles of international trade law.

3. The principle of non-discrimination in the field of trade in EU law.

4. Activities of UN special agencies in the field of regulation of international trade relations.

Task 1

The World Trade Organization (WTO) Arbitration Committee endorsed on 7 April 1999 the US position that the European Union violates the principles of international trade. Thus, the United States has received international confirmation of its decision to impose additional tax levies on a number of European goods. The idea was voiced by Washington as early as March 3, and was prompted by the need to compensate for the financial losses borne by American banana suppliers to Europe because of various obstacles. Occasionally, the tax ban on American bananas was as high as 100%. The United States will now levy additional tax levies on a range of European goods, including Scottish cashmere products, French handbags and German-made coffee. In total, \$ 191.4 million will be added to the US Treasury. for a year. 1. What are the main goals and objectives of the WTO? 2. Is the decision of the WTO Arbitration Committee binding on the parties? 3. What is the procedure for appealing the decisions of the Arbitration Committee?

Task 2

An international fruit company has applied for a license to import apples into the EU. When the request for a license was rejected by the Danish authorities citing a number of EU regulations, the company filed a lawsuit claiming that the regulations violate Article 9 of the GATT, which imposes an obligation on the parties to the treaty to remove quantitative restrictions on the import or export of goods. In accordance with the Treaty of Rome, the EU is empowered to carry out tariff and trade policy and the right to conclude relevant agreements on these issues. Is it possible to say that the EU in this case acts as the successor of the Member States under the obligations of the GATT? How can the Rome Treaty and the GATT be legally valid?

Task 3

State A has established relative to the state B special economic preferences that contain a 20% reduction in customs duties relative to their overall level. A

computer manufacturing company registered in the territory of State C has opened in the territory of the State B a subsidiary that collects components and exports ready-made computers to State A. Which State is to be considered as the country of origin of the goods? At what rate should this product be taxed? What public policy measures can be applied to remedy such situations?

Task 4

State A has signed a treaty with State B, under which both States have pledged to reduce the general duty on agricultural products by 20%. A year later, State A signed a treaty with State C which established a 30% reduction in customs duties for these countries' bilateral trade. Does a treaty concluded between States A and C violate a treaty concluded between States A and B? What can be the consequences of such a violation?

Topic 8. International Investment Law

Questions raised on self-study:

1. Legal regulation of foreign investments in Ukraine.
2. The international rule of law in the investment market.
3. The impact of international law on domestic law in the regulation of foreign investment.
4. Relationship between the question of immunity of States and the legal relationship in the field of investment.

Questions for self-control:

1. What are the components of the international investment system?
2. What is part of the regulatory component of the international investment system?
3. What is the subject of international investment law?

4. What are the main provisions of the APEC Foreign Direct Investment Code?
5. What does the MAGI do?
6. What is the TRIMS Agreement related to the international investment system?
7. On what principles international investment law is built.

Topics of the essay:

1. Special principles of international investment law.
2. International organizations in the field of international investment law.

Task 1

State A has declared a state monopoly on the production of commodity H. Can a foreign investor engaged in the production of the commodity in Ukraine protect their interests by referring to an investment protection agreement? Can the state monopoly declaration be considered nationalization in this case?

Task 2

Agreements concluded by Ukraine with foreign countries on the promotion and mutual protection of investments prescribe that disputes between the state and the investor are referred to: ad hoc tribunal in accordance with the arbitration rules of the United Nations Commission on International Trade Law (UNCITRAL); the competent court or arbitration of the Contracting Party in whose territory the investment is made; The Chamber of Commerce Arbitration Institute in Stockholm; any other international arbitration agreed upon by the parties to the dispute. Which of the dispute resolution methods is most profitable for the investor? What right should be applied in each case?

Task 3

Under investment protection treaties, nationalization is only allowed if prompt, adequate and effective compensation is paid. Should the amount of compensation correspond to: the real value of the nationalized property; real value of nationalized property plus lost profits; the real value of nationalized property minus the profits already generated from its exploitation?

Topic 9. International Economic Assistance Law

Questions raised on self-study:

1. International Economic Assistance Law as a Sub-branch of the IEL.
2. Forms of economic assistance to developing countries, mechanisms for their implementation.
3. International legal structures for providing international economic assistance.
4. International market for economic assistance.

Questions for self-control:

1. What is the subject of legal regulation of the IAL?
2. What types of international economic assistance do you know?
3. What are the legal agreements in the field of IAL?
4. What are the main activities of UN agencies in the field of IAL?

Topics of the essay:

1. International Economic Assistance Law.
2. Legal relations with international economic assistance.

Control questions to determine students' level of learning

1. The concept and methods of international economic law.
2. The concept of international economic law as a discipline and field of law.
3. The subject of international economic law.
4. Modern doctrines of international economic law.
5. The ratio of public international law to private international law.
6. General methods of legal regulation of international economic law.
7. The system of international economic law.
8. Institutions of International Economic Law.
9. The concept and system of sources of international economic law.
10. The main sources of legal regulation of international economic law.
11. International treaty in the system of sources of international economic law.
12. Legislation of Ukraine governing the legal relations concerning the conclusion of international treaties. Classification of international treaties.
13. International custom as a source of international economic law.
14. Features of custom are used as sources of international economic law.
15. Trading customs.
16. Decisions of international organizations and international courts.
17. The concept and meaning of case law as a source of legal regulation of international relations.
18. The concept and system of principles of international economic law.
19. Place of general international legal principles in the system of international legal regulation of international economic relations.
20. The principle of legality.
21. The principle of legal equality of States.
22. The principle of respect for the rights and freedoms of man and citizen.
23. The principle of state sovereignty.
24. The system of international legal acts, which provide the basic principles of international economic relations.
25. The concept and legal status of international economic organization.

26. History of emergence and formation of international economic organizations.

27. International economic organizations in the UN system.

28. Legal status of the Economic and Social Council.

29. International Monetary Fund.

30. International Civil Aviation Organization.

31. International Maritime Organization.

32. International Labor Organization.

33. World Intellectual Property Organization.

34. International Atomic Energy Agency.

35. The concept and legal status of international financial institutions.

36. International Monetary Fund.

37. The concept and general characteristics of international trade law.

38. Subject of legal regulation of international trade law.

39. Methods of Legal Regulation of International Trade Law.

40. General characteristics and system of principles of international trade law.

41. Conciliation of the principle of non-discrimination and the principle of the most favored nation.

42. General characteristics of international trade treaties.

43. History and structure of the GATT / WTO.

44. Characteristics of the General Agreement on Trade in Goods.

45. Tariffs and non-tariff barriers to trade in goods.

46. Agreement on sanitary and phytol sanitary measures.

47. Agreement on Technical Barriers to Trade.

48. General Agreement on Trade in Services.

49. Agreement on Trade-Related Aspects of Intellectual Property Rights.

50. Arrangements for rules and procedures for the settlement of disputes.

51. The concepts and sources of international monetary law.

52. Subject and methods of legal regulation of international monetary law.

53. General characteristics of the main sources of international monetary law.

54. The concept of the international monetary system.
55. General characteristics of the organizational and legal mechanism of the international monetary system.
56. The concept and general characteristics of the European Monetary System.
57. Concepts and sources of international transport law.
58. The subject of legal regulation of international transport law.
59. General characteristics of the main sources of international transport law.
60. General characteristics of international legal regulation of modes of transport.
61. Charter and freight.
62. International legal regulation of river transportations.
63. Convention on the Unification of Certain Principles of Liability for Collision of River Ships
64. International legal regulation of rail transportation.
65. International legal regulation of road transport.

An example of questions in the scorecard

1. Fundamental to the IEP are the documents adopted by the UN General Assembly in 1974 as (several correct answers):

- a) Charter of Economic Rights and Obligations of States;
- b) Declaration on a New International Economic Order;
- c) Program of actions for establishing a new international economic order;
- d) the UN General Assembly resolution of 1979 "The unification and progressive development of the principles and rules of international law relating to the legal aspects of the new international economic order"

2. Under the Agreement on the Application of Sanitary and Phytosanitary Rules, fish are included in the concept of "animals".

- a) yes;
- b) no;
- c) subject to certain reservations.

3. The WTO is the heir

- a) GATT;
- b) GAT;
- c) -;
- d) IAEA.

4. According to TRIPS, industrial designs must be protected in order to be protected

- a) new and original;
- b) new and industrially applicable;
- c) new and distinctive.

5. In accordance with TRIPS, protection of an industrial design shall be granted for at least:

- a) 5;
- b) 10;
- c) 15;
- d) 20;
- e) 50.

6. According to the ICE, the proceedings of the Appellate Body shall be confidential:

- a) yes;
- b) no.

7. The principle of non-use of force is at the forefront of the system of principles of the UN Charter. Is the statement correct?

- A) yes;
- b) no;
- c) with reservations.

8. Copenhagen Criteria - Criteria recognized in Copenhagen for the possibility of joining new members from Central Europe

- a) the EU;
- b) NATO;
- c) the WTO.

9. The IEP knows the following methods of regulating relationships (several correct answers):

- a) bilateral;
- b) multilateral;
- c) supranational;

- d) dispositive;
- e) imperative

10. National regime

- (a) Provides equal benefits to all countries;
- b) prohibits discrimination against foreign goods and services;
- c) tariff commitments created by WTO members are numbered in a special list.

11. The package of documents in the Uruguay Round is permanent and a dogma within the WTO

- a) yes;
- b) no.

12. GATT 1994 is

- a) General autonomy for tariffs and services;
- b) the General Assembly on Trade in Goods;
- c) General Agreement on Tariffs and Services.

13. New members are required to join the WTO

- a) 50% of votes + 1 vote;
- b) $\frac{3}{4}$ votes;
- c) $\frac{2}{3}$ votes.

14. The highest decision-making body in the WTO

- a) the General Council;
- b) Management Board;
- c) Ministerial Conference.

15. The highest decision-making body in the WTO meets at least once

- a) at 6 months;
- b) in 1 year;
- c) at 2 years;
- d) at 5 years.

16. The interpretation of the provisions of the agreements on goods and services requires

- a) 50% of votes + 1 vote;
- b) $\frac{3}{4}$ votes;
- c) $\frac{2}{3}$ votes.

17. At the end of July 2016, the WTO members are

- a) 50 States;
- b) 102 States;
- c) 121 state;
- d) 164 States.

18. The members of the Working Group on Considering Ukraine's Application for WTO Membership have approved Ukraine's "entry package" in:

- a) 1991;
- b) 1996;
- c) 2005;
- d) 2008;
- e) 2012

19. The VRU adopted the Law "On Ratification of the Protocol on Ukraine's WTO Accession to Ukraine"

- a) 91;
- b) 96;
- c) 2005;

- d) 2008;
- e) 2012

20. Ukraine has become a... member of the WTO

- a) 15;
- b) 79;
- c) 121;
- d) 152;
- e) 163.

21. By the name of which Ukrainian lawyer associate the concept of IEP in connection with the “broad” and “narrow” concept of IEP:

- a) Babiy BM;
- b) Kistyakovsky OF;
- c) Koretsky V.

22. The WTO started its activities by:

- a) since January 1, 1967.
- b) since January 1, 1970.
- c) since January 1, 1992.
- d) since January 1, 1994
- e) since January 1, 1995.

23. Which of the following measures is not covered by the AFSF Agreement:

- a) certification of food products;
- b) determination of the level of toxins in food and beverages;
- c) requirements for the quality of fresh food.

24. The requirements of the Agreement on Technical Barriers to Trade extend to (there are several possible correct answers):

- a) technical regulations;
- b) standards;
- (c) conformity assessment procedures.

25. In accordance with TRIPS basic standards, the term of protection of copyright (except for films and photographs) is at least.... years after the author's death:

- a) 5;
- b) 10;
- c) 30;
- d) 50.

26. Computer programs, in accordance with TRIPS basic standards, are regarded as literary works from the point of view of copyright:

- a) yes;
- b) no;
- c) partially.

27. Each State, in accordance with the basic TRIPS standards, should grant to nationals of other countries the level of intellectual property rights that it grants to its own nationals:

- a) true;
- b) no.

28. In accordance with TRIPS basic standards, copyright must be granted automatically and may not be dependent on any formalities

- a) yes;
- b) no;
- c) subject to certain reservations.

29. Which of the following is a geographical indication (intellectual property):

- a) Massandra; Sunny Valley; Mirgorodska;
- b) Havryl Chicks, Myrhorod.

30. According to TRIPS, patents are granted for any invention, provided that they are:

- a) new and original;
- b) new ones having an inventive step are industrially applicable;
- c) new and industrially applicable.

Case method

Case "Tangled Trace of Liability for Oil Tanker Disaster"

The crash of the Prestige tanker (owned by one country, administered administratively to another country and chartered by companies from around the world) has resumed controversy over the inspection of ships and the application of laws governing the carriage of goods by sea. When a worn-out tanker is registered in the Bahamas, owned by a Liberian company, subordinate to a Greek maritime administration, chartered by a Russian oil company based in Switzerland, and operated by a captain, an Asian crew, who is ultimately responsible for the economy, caused by the spill? An old single-hull Prestige tanker with a load of 70,000 tons of fuel oil split in half and sank off Spain's northern coast. This disaster has ignited heated debate over the problem of checking the technical condition of cargo-carrying ships, as well as the problem of the application of international laws governing maritime transport. The tanker, launched 26 years ago, was punctured during a storm and started sinking, spilling oil into the sea. The spillage of 10,000 tonnes of this extremely toxic cargo created a 130-kilometer spot of oil, resulting in the contamination of mostly rich fisheries in the Galicia region. More than 1,000 fishermen lost their jobs, birds became covered with a layer of fuel oil, and lobsters died in the bays. In the North Atlantic, the sea traffic is very lively, and the disaster of the Prestige tanker is not the first case that led to the spill of oil off the northeast coast of Spain. France has also been affected by environmental disasters caused by cargo ship crashes. Following the crash of the Prestige tanker, French President Jacques Chirac has called for draconian measures to ensure the safety of maritime traffic and protect the shores of European countries from the threat of environmental disasters.

In 1999, an Erika tanker sank off the coast of Brittany, resulting in the spillage of 15,000 tonnes of fuel oil and the pollution of 400 km of the coast. After the crash of the tanker, France applied to the European Union to set up an organization to guarantee the safety of maritime transport, but the case got bogged down in discussions about where the headquarters of such an organization should be located.

Jose Maria Aznar, who was Spain's prime minister at the time, threatened to litigate to offset the cost of environmental pollution from petroleum products. However, who could the Prime Minister sue for? Lawyers say it has become especially difficult lately to apply international maritime law because companies and ship-owners are trying to reduce their costs by registering their vessels in so-called "extra shelters" (low tax countries) and by hiring cheap ones, but in many cases crews are poorly trained. The Prestige tanker was no exception. It was incorporated in the Bahamas, was owned by the Liberian company Mare Shipping, subordinated administratively to the Greek company Universe Maritime and was chartered by the Russian trading company Crown Resources, which is incorporated in Switzerland. Politics is also an obstacle to solving this problem. Following the crash of the Prestige tanker, the Spanish government jumped at the fact that the tanker was heading to the British colony of Gibraltar, to which Spain did not make any territorial claims. Spain is trying to accuse the UK of failing to comply with EU directives to check the technical condition of ships. Loyola de Palacio, a Spanish citizen and EU commissioner for transport and energy, went further, accusing Gibraltar of what happened to the Prestige tanker. According to Mr Palacio, Gibraltar does not prohibit the entry and unloading of potentially dangerous single-hull tankers, allowing Gibraltarians to cash in on the service of vessels that cannot enter European ports. The British government has declared Spain's accusations void of all reason. In a letter to the European Commission, which was published but in the Financial Times, Sir Nigel Sheinwald, the Permanent Representative of the United Kingdom to the EU, states that the Prestige tanker did not go so far in Gibraltar during his last dramatic trip. "The last time a tanker stopped at a refueling station in Gibraltar without even entering the port was in June 2003," the letter said. The decision as to who should bear the costs of eliminating the consequences of the catastrophe should be made in accordance with the Convention on Civil Liability Convention, adopted by the International Maritime Organization (International Maritime Organization). According to this convention, the ship-owner is obliged to compensate for the damage caused by the oil leakage from the tanker, but this damage was only

estimated at \$ 80 million. According to the findings of InterTAN, the Association of Independent Tanker Owners, in 95% of the compensation provided by the Civil legal liability, sufficient to finance the contamination of contaminated sites. In cases where this compensation is insufficient, the International Oil Pollution Compensation Fund, funded by the recipient of the oil, will take effect. The maximum total compensation from the two organizations is \$ 180 million. After the crash of the Prestige tanker, attention was also paid to checking the technical condition of the worn-out vessels. The European Commission has called on the governments of Europe as soon as possible to put in place new rules of verification. In accordance with these rules, the port authorities should inspect at least 25% of all ships calling at the docks, and first of all, should check for worn single hull vessels.

Case questions:

1. What are the main ethical issues with the Prestige tanker?
2. What are the main issues of social responsibility in the case of the Prestige tanker.
3. Which of the parties to this conflict, in your opinion, should bear the greatest and least responsibility before the law for the oil spill?
4. Not taking into account the political aspects of the problem, what measures could be taken to avoid such problems in the future?

Case "European Integration Can Improve Human Development in Ukraine?"

Prospects for further development of human potential in Ukraine will depend on how Ukrainian leaders and authorities at all levels will be able to take full advantage of the opportunities and challenges associated with the implementation of the European integration course. If Kyiv manages to implement European integration plans and take EU requirements as the basis for a framework model of the vital reform process, Ukraine will be on the short track to success and prosperity, with the potential to achieve a significant improvement in living conditions and poverty reduction. The process of European integration provides a unique opportunity to properly improve the level of human development in the country. This is stated in the new National Human Development Report "Human Development and the European Choice of Ukraine", which was formally presented by Francis M. O'Donnell, UN System Coordinator and UNDP Resident Representative in Ukraine, Grigory NEMYRY, Vice Prime Minister of Ukraine, Ian Boogh, Head of the Delegation of the European Commission to Ukraine and Jerzy OSIATINSKI, International Coordinator of the Team of Authors of the Report. "Since 1995, through its regular Human Development Reports, the United Nations Development Program in Ukraine has steadily drawn the attention of politicians and the public to the challenges facing the country in social and economic development. National Reports offered a long-term perspective, an analysis of the situation in the country and strategies for enhancing human development. The purpose of writing these reports is to consolidate data on human development in the country, to influence national policies and to mobilize different groups of society, "said Mr O'Donnell. Since the last UNDP National Report on the Power of Decentralization was published in 2003, Ukraine has gone through a period of significant political and economic transformation: democracy has strengthened and the transition to a full-fledged market economy continues. Deputy Prime Minister of Ukraine Hryhoriy Nemyria applauded the presentation of the new UNDP National Report and was pleased that the authors drew attention to such topics as human development and European integration of Ukraine. "In this context, we fully support the idea that

European integration is not a purely foreign policy priority but, above all, an action plan for internal reforms. I am convinced that if we are to succeed in ensuring human development, then we must use all the tools available. In our case, European integration is perhaps the most effective tool," he added. However, despite such significant achievements, there are still many challenges ahead that need timely response from civil society and government at all levels, the report's authors say. It should be noted that many initiatives were proclaimed at one time, but the progress in implementing the necessary reforms to promote human development is poor. According to the latest UNDP Global Human Development Report, Ukraine ranks 76th out of 177 countries in terms of development and is considered to be a medium-sized human development country. The report found that, by most indicators, Ukraine is far behind all EU Member States, including its closest neighbors, namely Hungary (36th place), Poland (37th place), Slovakia (42nd place), Bulgaria (53 place) and Romania (60th place) that have recently joined the EU. Given that Ukraine has proclaimed and repeatedly affirmed that its main foreign policy goal is accession to the EU, the authors of the Human Development and European Choice of Ukraine report analyze how policies aimed at European integration can greatly enhance human development and how much they can benefit from country from the implementation of the European integration policy. Speaking at the presentation, The report's authors argue that the desire for European integration, often referred to as the "European Choice", is not a purely geopolitical choice process, but is, above all, a human development process that has a direct impact on people's lives and well-being. The report explains that the concept of human development based on people's interests is very similar to the process of European integration, in terms of meeting specific requirements and introducing separate standards. However, both concepts lead to the improvement of human life. Current trends in life expectancy change among the population of the EU Member States, on the one hand, and the population of Ukraine and the CIS, on the other, provide the best evidence of the impact of the practical implementation of the European integration strategy on human development. As a result, the Report argues that, in terms of the economic, social

and institutional environment required to promote long-term sustainable human development, the goals of the two concepts are completely consistent. Effective implementation of European integration policies by the country significantly contributes to the achievement of higher standards of living and the creation of a safer environment for human development. The report notes that European integration is a complex process and involves the implementation of far-reaching political, economic and social reforms that are necessary not only to achieve Ukraine's strategic goals of EU accession, but also, more importantly, to identify the principles and foundations for further development. countries in general. It is worth noting that in the public polls reported in the Report, all Ukrainian respondents demonstrate a clear preference for European values and European mechanisms for social organization. However, understanding of European values, the complex mechanisms and functions of the EU, as well as the benefits and disadvantages of European integration are still quite limited in Ukrainian society. In most cases, the EU is viewed from a political point of view, while its nature, as a complex economic and social mechanism, is often neglected and undervalued. The same applies to the need to improve public awareness of possible challenges for Ukraine in the future. Having a better understanding of these concepts will help every citizen to take a more active role in monitoring the implementation of the state's European integration policy. The report stresses the need to support deeper economic integration and the introduction of EU regulatory and rules within the existing European Neighborhood Policy program. The Report states that in order to improve living conditions and improve the index of human development index, health services, access to education and utilities need to be improved. The report calls for the full implementation of administrative reform and decentralization of power from the center to regions and districts, as well as the creation of strong self-government structures, thereby enabling better service delivery and a fairer distribution of economic development. All this will contribute to the achievement of human development goals, since consumer goods and services must be provided by the authorities directly in the places where people live and work. The availability of financial and other resources

at the local level is an essential prerequisite for achieving human development goals and objectives. The report examines the experience of new EU member states and points out that the benefits of EU membership far outweigh the cost of acquiring that membership. Free trade agreements with the EU create a huge motivation for trade growth. However, since EU FTAs do not generally cover all agricultural products, it is important for Ukraine to achieve the widest possible access to the European agrarian market - especially because it gives clear benefits to the consumers of the European Union. Open access to European markets is likely to contribute to a significant inflow of foreign direct investment into Ukraine, provided that investors are confident in the predictability of policy and the rule of law. The confidence of foreign investors can be gained if all the executive forces in Ukraine demonstrate their ability to constantly implement European standards relating to the further development of a market economy and popular democracy, the report's authors believe.

Case questions:

1. What is included in the concept of human development?
2. Did the accession of Hungary, Poland, Slovakia, Bulgaria and Romania affect human development, which according to the reports ranked next in the ranking of countries with the most effective human development, Hungary ranked 36th, Poland - 37th, Slovakia - 42nd, Bulgaria - 53rd. and Romania 60th place?
3. Can Ukraine be ranked 76th in the ranking of the most effective human development countries as a consequence of the ineffective implementation of integration policy in the European Union?

Case of Globalization and European Manufacturers of Household Goods

In the 80's and 90's there was a significant globalization of the world economy. But not all sectors of the economy were equally involved in the globalization process. In the industrial sector of the European economy, some industries, such as mechanical engineering, still remain an industry consisting of a large number of different sized companies. The service sector also has a large number of national features. The question is, is globalization necessarily affecting all industries, how should companies respond to such an impact, do companies need to maintain national strategies or develop global ones? The study, which was carried out on the example of the European consumer goods industry, will help answer some questions. Researchers have divided all manufacturers in the market of household goods into three groups: 1. National players (production facilities are in their country, 90% of products are sold locally). 2. Exporters (production facilities are located in their home country, but more than 30% of production is sold in foreign markets). Such companies include Bosch-Siemens, AEG, Merloni. 3. Global players (companies that produce and sell products in different countries - Electrolux, Philips, Whirlpool). Consumer behavior in different European countries is different. For example, the French prefer washing machines with a vertical load, and the British with front, the Germans choose machines with high spin speeds, and Italians with low. Creating a single European market contributes to the formation of a single "pan-European" lifestyle. The unification of technical requirements and standards allows manufacturers to achieve greater standardization of goods, which in turn contributes to the formation of more homogeneous tastes and requirements of consumers. Retail is represented in different European countries by its players, but the creation of a single market leads to the consolidation of retail companies, their increase. As a result of a series of mergers or the formation of strategic alliances, pan-European retail networks are being formed. This allows them not only to buy products from manufacturers around the world, but also to significantly optimize stocks, improve customer service. Modern flexible manufacturing technologies allow companies to produce different product models on the same basic platform that meet local

preferences without significantly increasing production costs. Changes in the competitive environment of the industry (concentration or international mergers of companies, the need for more sophisticated information on the state of the market, changes in technology and production management) have led to the need to prioritize the companies of this industry global or at least regional (for example, pan-European) strategies. Researchers believe that in the future, the industry will be controlled by five or six giants, and all small and medium-sized companies will be associated with them in one way or another - licensing agreements, franchises, joint ventures, strategic alliances, etc.

Case questions:

1. Considering the general situation in the industry, make a development forecast for the three groups of companies that have been in the situation.
2. How do the integration and consolidation processes affect the different types of companies represented in the industry?

The cases are designed by K.Yu. Velichko, O.I Liver.

REFERENCES

1. *Journal of International Economic Law* (Oxford Univ. Press), information available at: <https://www.asil.org/topics/international-economic-law>
2. Joel Trachtman, *The Economic Structure of International Law* (Harvard, 2008).
3. Jan Kleinheisterkamp 'Overriding Mandatory Laws in International Arbitration' (2018) 67(4) *International and Comparative Law Quarterly* 903-930 available at: <https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/overriding-mandatory-laws-in-international-arbitration/C186068881E25462C6AA094A0A6E33C2>
4. Andrew Lang 'The judicial sensibility of the WTO Appellate Body' *European Journal of International Law* (2017) 27 (4) pp.1095-1105 available at: <https://academic.oup.com/ejil/article/27/4/1095/2962221>
5. Jan Kleinheisterkamp 'Investment Protection in TTIP: Three Feasible Proposals' (with Lauge Poulsen), in *European Yearbook of International Economic Law 2016* (Bungenberg et al eds, Springer 2016), pp. 527-541. [link to underlying policy paper] available at: https://link.springer.com/chapter/10.1007%2F978-3-319-29215-1_23
6. Jan Kleinheisterkamp 'Investment treaty law and the fear for sovereignty: transnational challenges and solutions' *Modern Law Review* (2015) 78 (5) pp.793-825 available at: <https://onlinelibrary.wiley.com/doi/abs/10.1111/1468-2230.12144>
7. Andrew Lang 'The double movement of law and expertise' in Erin Hannah, James Scott, Silke Trommer (eds) *Expert Knowledge in Global Trade* (Routledge: 2016) available at: <https://www.routledge.com/Expert-Knowledge-in-Global-Trade-1st-Edition/Hannah-Scott-Trommer/p/book/9781138787773>
8. Andrew Lang 'New Legal Realism, Empiricism, and Scientism: The Relative Objectivity of Law and Social Science' *Leiden Journal of International Law* (2015), 28, pp. pp.231–254 available at: http://eprints.lse.ac.uk/62022/1/New_legal_realism.pdf

9. Andrew Lang 'Twenty years of the WTO Appellate Body's "fragmentation jurisprudence"' *Journal of International Trade Law and Policy* (2015) 14 (3) pp.116-125 available at: <http://eprints.lse.ac.uk/64810/1/WTO20.pdf>

10. Solene Rowan 'Conditions – Art 5.3.1-5.3.5' in S Vogenauer (ed), *Commentary on the UNIDROIT Principles of International Commercial Contracts* (Oxford University Press, 2015/

11. Jan Kleinheisterkamp 'Financial Responsibility in European International Investment Policy' (2014) 63:2 *International and Comparative Law Quarterly* pp. 449-476 available at: <https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/financial-responsibility-in-european-international-investment-policy/CD5DF95979E240BE76A22988EB5230B7>

12. Andrew Lang 'The Consequences of Brexit: Some Complications From International Law' *LSE Law: Policy Briefing Papers* 3/2014 available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2482323

13. Andrew Lang 'Governing "As If": Global Subsidies Regulation and the Benchmark Problem' *Current Legal Problems* (2014) Volume 67, Issue 1 pp. 135-168. available at: http://eprints.lse.ac.uk/59897/1/_lse.ac.uk_storage_LIBRARY_Secondary_libfile_shared_repository_Content_Lang,%20A_Lang_Governing_global_%20subsidies_2014_Lang_Governing_global_%20subsidies_2014.pdf

14. Andrew Lang 'Reflecting on 'linkage': cognitive and institutional change in the international trading system'. In: Steger, Debra, (ed.) *The World Trade Organization. Critical Perspectives on the World Economy* (Routledge, Taylor & Francis 2014)

15. Andrew Lang 'The Hidden World of WTO Governance: A Rejoinder to Richard H. Steinberg' *European Journal of International Law* 2009 20 (4):1073-1076 [reprinted in Steger, Debra P, *The World Trade Organization: Critical Perspectives on the World Economy* (London: Routledge 2014) pp.575-614] (with Joanne Scott) available at: <http://www.ejil.org/pdfs/20/4/1946.pdf>

16. Chris Thomas, Book Review: 'Isabel Feichtner, The Law and Politics of WTO Waivers: Stability and Flexibility in Public International Law' (2011) 82(1) British Year Book of International Law 515-18

17. Jan Kleinheisterkamp 'Investment Protection and EU Law: The Intra- and Extra-EU Dimension of the Energy Charter Treaty' (2012) 15 (1) Journal of International Economic Law 85-109 available at: <https://academic.oup.com/jiel/article-abstract/15/1/85/2193654?redirectedFrom=fulltext>

18. Jan Kleinheisterkamp 'European policy space in international investment law' ICSID Review 2012, 27(2), 416-431 available at: <https://academic.oup.com/icsidreview/article-abstract/27/2/416/639337?redirectedFrom=fulltext>

19. Andrew Lang 'Legal regimes and professional knowledges: the internal politics of regime definition' in Young, Regime Interaction in International Law: Facing Fragmentation (Cambridge UP, 2012) available at: <http://www.cambridge.org/catalogue/catalogue.asp?isbn=113921134X>